

**MINUTES
PURCELLVILLE TOWN COUNCIL
SPECIAL MEETING
DECEMBER 17, 2013**

The special meeting of the Purcellville Town Council was convened at 7:00 PM with the following attendance:

PRESENT: Robert Lazaro, Jr., Mayor
Keith Melton, Vice Mayor
Joan Lehr, Council member
Tom Priscilla, Jr., Council member
James Wiley, Council member
Patrick McConville, Council member
John Nave, Council member

STAFF: Rob Lohr, Town Manager
Patrick Childs, Assistant Town Manager
Sally Hankins, Town Attorney
Patrick Sullivan, Director of Community Development
Darryl Smith, Sr., Chief of Police
Lt. Jim Rust, Police Department
Jennifer Helbert Town Clerk

CALL TO ORDER OF SPECIAL MEETING:

Mayor Lazaro called the special meeting to order at 7:00 PM

PUBLIC HEARING:

- a) **Appeal to Town Council by Martinsburg Plaza, L.C. and Chapman Group, L.C.** - of the decision by the Board of Architectural Review to deny the request to demolish two structures, the first located at 130 North 21st Street and the second located at 138 North 21st Street, in the Town of Purcellville. The appellant's applications to demolish the two structures are identified by the Town of Purcellville as CDA 13-12 and CDA 13-18, respectively. The applications to demolish the two structures went before the Board of Architectural Review because the structures are located in the Town's Historic Corridor Overlay District. The Town Council will review the application for demolition against the Demolition Permit Criteria located in Article 14A, Section 8.3 of the Town of Purcellville Zoning Ordinance, while considering the recommendation of the Board of Architectural Review and other relevant evidence.

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Dan Piper, Vice Chairman of the Board of Architectural Review came forward to speak. Mr. Piper stated that he was representing the BAR in this appeal and would be giving additional comments relating to the appeal. Mr. Piper read the following statement: "I am providing my comment as a practicing architect with over 30 years experience throughout the mid Atlantic as well as other states. I have worked on many projects of this type integrating historic structures and existing buildings. I think that it is critical that you are properly informed as you consider this appeal, therefore as an architect I need to correct some of the information you have previously been provided. Portions of the justification for demolition address new project design which is not why we are here tonight we are only talking about demolition as far as I understand it. Incorporating the existing façade is indeed feasible with proper planning and a commitment to the community and things that are important to the community. The appeal states that they are in compliance with the Downtown Master Plan, however that Plan identifies these facades as ones prioritized for rehabilitation in no way does it ever discuss demolition of these particular facades. The appeal states that the buildings are beyond their economic life and were built in an amateur fashion, amateur fashion is really not applicable, every period offers a broad spectrum of architecture from Utilitarian to Opulan and we need to have all of those types in our Town to make up the fabric of the Town. While the façade may need repair these buildings are specifically identified in the Master Plan as ones that have large storefront windows, period appropriate entry doors, awnings, sign boards, lighting and decorative features and they can and should be preserved. The appeal states the buildings do not comply with handicap accessibility requirements again that is not applicable, our only suggestion is that the storefront facades are retained, the rest of the building was approved for demolition. I also have an example of a project that I worked on that I would like to show you to show you that it actually can be done. The appeal states that the buildings are not capable of being relocated and again that is not something that the BAR required or recommended at all. I would like to also speak to the staff report, the staff does a great job of preparing the BAR for the things that we need to look at however the staff doesn't have the same professional training and experience that architects and members of the BAR have to be able to make some of the comments that we make, hence some of the comments made by the report are not quite accurate. The buildings are in fact distinctive which is contrary to the staff report, there is no criteria that says if you have only one of a particular style that's enough you can tear down the others, that is contrary to historic preservation across the country, in fact the Master Plan speaks to that as well, buildings are significant as they are listed as contributing elements. The materials can be reproduced easily as something staff report said, that is not actually correct, as a community that is recognized for its historic character the age of the materials definitely contributes to the authenticity of the streetscape, its charm, it's feeling of place and compatibility, it cannot be replicated with new construction. The staff report also comments that it is not a unique style, well that is kind of subjective, the contributing elements to the downtown may not be particularly rare but they are our Town and therefore should be preserved. A new building could easily serve the same purpose, that statement is interesting because in fact it really sort of justifies that it would be more appropriate to leave those facades in place than to tear them down so as a design

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professional it's very clear that there is not significant valid justification for demolishing these facades, remember we are talking about the facades only which have been noted as being both significant and contributing to the historic district and the Town so on behalf of the BAR I ask strongly that you uphold our decision to protect and maintain the facades."

Mark Nelis, applicant came forward to speak. Mr. Nelis stated that they are excited about moving forward with Vineyard Square but he wants to make it clear that they are not going to demolish any buildings until they have new buildings approved and they are in a position to build them, it's not in the Town's interest and it's not in their interest nor in the tenants interest to have a vacant lot downtown. He stated that they are prepared at least in regards to 130 North 21st Street to replicate the building and these are the drawings that are now being presented to the Board of Architectural Review and to give the Council the opportunity to look at them. Mr. Nelis explained what their proposal was after demolition of the facades. He stated that they intend to replicate the architectural style that is going down 21st Street. He stated that he understands the Boards position that they want that look and they believe they can create that look. Mr. Nelis stated that ever since they started the project they have always understood and explained in public that they would need to demolish the buildings that are there in order to create a compact downtown center and that is what they think the vision of the Town Council has been over the eight years they have been working on this and as embodied in your comprehensive plan, your downtown plan and your C-4 Zoning District Regulations. He stated that the Town's design regulation talks about balancing the needs of property owners to make contemporary use of the property, we can't preserve those facades and make a contemporary use of the property. Mr. Chapman knows those costs and will briefly address that. Mr. Nelis stated that there is really no alternative to demolition, this thought that we are going to put structural steel on both sides of essentially a brick wall and bolt it up and move it and dig 10 feet to create a parking garage and put in footers and put it back in place, it simply doesn't work, in his opinion it's not a matter of cost it's the fact that that masonry is going to crumble and to keep those facades where they are is not going to create the pedestrian environment that this Council has spent so much time and so much money and so much effort on. He stated that at the pinch point there will be a four foot wide sidewalk. He stated that the buildings are beyond their economic life. He stated that John Ross cut a garage door into one of these facades to provide access to his lumber yard and covered it with a vinyl door, the buildings have been significantly compromised and if you look back at your staff report that went to the BAR what it states is that the buildings have no particular architectural or historical significance, the buildings are constructed of brick, concrete block, wood siding and metal panels all of these could be easily reproduced, the buildings date of construction is consistent with nearby buildings, little else about the building is distinctive. The buildings do not represent a unique or rare example of historic or architectural style of the Town. The building is similar to scale and character of other buildings but a newly constructed building could easily serve the same purposes and that is what we are proposing to do.

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John Chapman, applicant came forward to speak. Mr. Chapman stated that what he wanted to explain to the Council are what the construction procedures would be to be able to save this wall. Mr. Chapman stated they intend to go down in excess of 10 feet below this sidewalk and they are digging footers and putting in a parking garage so in order to tear the building off and save the façade they would have to sandwich it in between two steel beams and create a cantilever on the street side and drill holes and bolt it to the sidewalk and street and interrupt the traffic for some time to be able to stabilize this in an attempt to take of the rear of the building, demolish that and come up under where the power lines are presently and try to drive piling behind these walls and try to support it to the point that they can save it. He stated that trying to build it in place would mean they would have to shift the parking garage and cantilever it out over the parking garage, move the parking garage and change the whole concept and design on that corner when in reality the Comprehensive Plan says that you need to create an open walkway. In summary saving the facades would be cost prohibitive.

Kelli Grim of 812 Devonshire Circle came forward to speak. Ms. Grim stated that she does not own property on 21st Street but she stated that she knows quite passionately many of the property owners and business owners have been pleading more than two years for this not to happen in this format. Reverse condemnation is pretty much the bottom line of what is being proposed, she stated that she is not going to mention names but there is certainly no call for the design, it shows not regard or respect, she stated that the word faux describes or has the same look or feel, counterfeit money has the same look or feel of the real thing but it's fake. She stated that when you are talking about preservation, those property owners, the other ones there that have been pleading with everyone not to move forward in this format, their properties are now at risk and will always be. She stated that she checked with the Department of Historic Resources and they have had no inquiry from the municipality to speak with them regarding the consequences that could move forward and she believes that Mr. Nichols who lives here now, not the one who sold his property and moved away and all those other business owners deserve our respect and our respect by not following our guidelines, why do we have a historic overlay district, why is it there, she stated that the Council is charged with keeping in the plan not because someone new came along five or six years ago and invested some money and they want to build a monstrosity thing, people of this community have been pleading and crying out to you and they are the ones who live here, the person building and redeveloping doesn't live here so we rank whether we own property there we are the residents who live here and who the Council has been charged to serve and so I would like to see that you make the right decision, not ceremonial votes, real ones.

Mary Ellen Stover property owner of 120 North 21st Street came forward to speak. Ms. Stover read the following statement "the Town has on record a letter dated April of this year complementing Purcellville for maintaining its downtown structures reflecting the Victorian architecture popular in the early 1900's. Town people come in my shop and say that they moved here to get away from overbearing structures, out of Town people

come into the shop and say that they come here because of the quiet charm and character of the old downtown. Architects have come in and commented that this project is an architectural Walmart and just today a man came in today and called it an architectural desolation. I have not heard one person in favor of this project, what I hear them saying is "I'm so sorry", I'm in the midst of replying to replace my awning and I'm faced with many restrictions under the Economic Development noted as contributor to quality of life, it describes a program to implement techniques and philosophies of the Main Street Program to improve aesthetic and economic potential of the historic business district. Under historic downtown it notes "investigate and provide incentives that will promote compatible new development and encourage appropriate rehabilitation of historic buildings in the downtown and Main Street." This proposal is not compatible with the existing streetscape, we know the developers incentive but what is the Town's incentive, it is so easy to ruin an old Town and once ruined it cannot be regained one gentleman today came in today and he was from Northeast Ohio and they had a number of quaint Towns and all but one were destroyed by just such projects as this, today they are all gone except the one that flourishes. If this project goes forward as currently proposed the rest of downtown is up for grabs. I believe that tourism will suffer as people from the city will no longer come to the Town that they believe is pleasant and low key, they want to get away from the high density. I believe that in your heart of hearts you know that this is wrong and will be a death blow to our Town."

There being no further public comment the public hearing is closed.

CITIZEN/BUSINESS COMMENTS:

Kelli Grim of 812 Devonshire Circle came forward to speak. Ms. Grim stated that Ms. Stover said it very well just like Mr. Nichols did in his letter. She stated that she has spoken with the Department of Historic Resources on many many occasions and when she uses the word "reverse condemnation" that is very serious. She stated that maybe condemnation is no big deal to some people as she has seen in the past, the tone that she believes the Town has set but by all means delisting will not just affect 21st Street it's all of the Historic Overlay District. She stated that what that does mean, up for grabs is no laughing matter because at the point that someone raises the question to the Department of Historic Resources when such a project and she is not just talking about the demolition to or not to, she knows it shouldn't happen, but when the project in its full capacity which is unreasonably sticking out there like the titanic and very disrespectful to that Historic Overlay District in all matters, she understands real estate people want to make money but when is disregarding, disrespecting the fellow people on the same street and all the residents, delisting will take the Historic Overlay District off of the National Register and it is a very serious matter because then every single current and future property owner will have lost potentially millions of dollars. Ms. Grim stated that when a property is up for sale and it is in the historic register that gives it greater value but it also provides the owners with valuable tax credits to continue to preserve and protect. She stated that she knows that most of the Council should or should have been by now familiar with

Donovan Rypkema as he came and spoke here in 2010 about the value of preserving and protecting your existing buildings and to do this along with the bevy of all of the other things that the tone of the Town has become someone is currently doing a faux preservation about Purcellville, their project is about showing how Purcellville has two or three quaint things that make it look historic but everything else is up for grabs so she would implore the Council to do what the people want, not what is politically your choice.

ACTION ITEMS:

- a) Appeal to Town Council by Martinsburg Plaza L.C and Chapman Group L.C.

Council member Priscilla made a motion that the TC reverse the BAR's decision to deny a certificate of design approval for demolition of the structures located at 130 and 138 N 21st Street for the following reasons: First the two part motion included incorporation of the existing building facades into the proposed construction on which the BAR has not yet rendered a determination. The second part of the motion, in my opinion, was not properly before the BAR at the time. Second, the Town's Zoning Ordinance Article 14A, Section 8.3 Demolition Permit criteria, which is the Town's version of a law, identifies three specific and mandatory criteria which the BAR shall explicitly consider in their review of demolition applications. The BAR motion identified specific consideration of five non-mandatory criteria from the guidelines page 32 only. The adopted design guidelines on page 4 specifically notes, it is not the intent or the purpose of the guidelines to duplicate or alter the Town's regulations or ordinances. In the case of a conflict, the Town's regulations and ordinances will govern. While the BAR can include evaluation of those advisory guidelines in their decision making process, they must also use the specific mandatory Zoning Ordinance provisions in their action. Third, as noted in the Virginia Department of Historic Resource files for the properties, the modest detailing on the brick buildings is typical of commercial structures of the late 1930 to 1940 period. Consequently, they do not represent unique, rare or distinctive architectural elements that cannot be replicated or reproduced only with great difficulty. Fourth, as noted in the Virginia Department of Historic Resource File for the properties, windows have been added to the front building opening for street access to the rear lot was also closed off with a sliding metal door, modern windows have been added to at least one structure on both stories as evidenced by the original and modern photographs, a portion of the façade has also been infilled with brick and a modern window consequently the building does not embody the early 20th century development of the business district or incorporate original period features as noted or even linked the design with other structures of the same period on the street. Fifth, the removal of the buildings supports goals, objectives and policies of the Town Comprehensive Plan in the C-4 Zoning District and the redevelopment of an area east of 21st Street as noted in the Downtown Master Plan. I further move that the Town Council's approval of a Certificate of Design Approval to demolish the façade and the complete structure at 130 N. 21st Street be conditioned upon the issuance of a Certificate of Design Approval and Zoning Permit to construct a new

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building at 130 N. 21st Street and I further move that the Town Council approval of a Certificate of Design Approval to demolish the structure at 138 N. 21st Street be conditioned upon the issuance of a Certificate of Design Approval and Zoning Permit to construct a new building at 138 N. 21st Street.

Motion: Council member Priscilla
Second: Vice Mayor Melton
Carried: 7-0

Wiley	Aye
McConville	Aye
Melton	Aye
Priscilla	Aye
Lehr	Aye
Nave	Aye
Mayor	Aye

Council member Priscilla stated that he has a couple of things he would like put on the record besides the documents that he referenced, the Downtown Master Plan, the Town Zoning Ordinance and the BAR Design Guidelines there had been some questions that individuals had raised through the various meetings and he wanted to go through them as some had noted tonight the issue before us is whether to demolish the facades of the existing buildings not the approval or appeal of approval of the future building design which the BAR has yet to render and opinion on. Council member Priscilla stated that some have said that they can't believe that the Council would even hear this matter but the Zoning Ordinance requires the Town Council to hear matters such as this as does the appeal. What would happen to the Town if the Council didn't hear the appeal, would we be sued in court and forced to hear it and the answer is yes we would be. Council member Priscilla stated that with respect to the scale and the mass of the adjoining buildings he understands those issues but the Design Guidelines note in multiple locations that when a case of conflict the Town Zoning Ordinance governs, we swore and oath to uphold that document as well and the building mass in perimeters for the width and the height and everything are identified in the Zoning Ordinance the Town Council does not have the luxury of ignoring those they have to be considered in all of their deliberations on this matter.

Council member Priscilla stated that some have questioned whether the individual buildings themselves are listed, no they are not they are contributing structures to the historic district and were two buildings to be demolished if the applicant moves forward with the project would that result in delisting the answer would be no, the Historic District is not in danger of going away.

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Council member Wiley stated that he has been here a few years and he doesn't remember a lot of what has happened but in the time he has been here that building façade has changed three to five times and the other thing that is interesting to him is that when the Historic District was being sought for the Town they had someone from Richmond come to Purcellville and spent a number of days here and the report that came back was that there was nothing in Purcellville that was historic enough to be preserved with always interested him at the time and does as we talk about that today. Council member Wiley stated that he has seen those facades change a number of times and has no problem with what is being presented today.

Council member McConville stated that tonight the Council is not looking at any designs before them nor any proposal but strictly about the demolition and the applicability of this façade and in his opinion, while it is unique to Purcellville's downtown, there are other downtowns that have the same contributing factors so nothing really makes it unique. He stated that it is a very hard decision knowing what could possibly come before the Council, but it's an idea, it may not get approved, it could get approved, but the Council has no idea what will eventually come before the Council for design.

Council member Lehr stated that she hears people talking about buildings, buildings don't make a Town, she remembers her mother saying that when they moved out of a house and she was a young child and very upset about moving she said our family has nothing to do with the house or brick and mortar it has to do with the people and in this Town we on a daily basis can walk up and see many people that they know, we can shop in our small Town we can live in our small Town and the buildings whether they are historic or in this case not necessarily historic have anything to do with what is the guts of this small Town, the guts of this small Town are the people and all the people that are sitting here, the businesses that are in the Town, the people that sit at the dais, that's what this is all about. Council member Lehr stated that she has a business here in Town and people stop in on a daily basis to talk to her about Town business, is it a great thing, sometimes yes sometimes no, do I hear positives and negatives, all the time, she has had no one other than today, she had a conversation with someone about the downtown, she has had no one come in with a negative view of the downtown area until today. She stated that the shop owners on 21st Street are either telling her two different things, she stated Ms. Stover has come in they have talked about the look of the next building, the shop owners on 21st Street have not come to her and pleaded to say this is not something we should do. Council member Lehr stated that you have to look at the Town for what it is and who it is and it's the people and if someone is looking to better the Town then we need to move forward and look at that if it's not something that is on the Historical Registry.

Council member Nave stated that he would like to say that the motion that is before them has a tie in between what may be built there and what is now there and that has pleased him greatly and he believes that is a good thing.

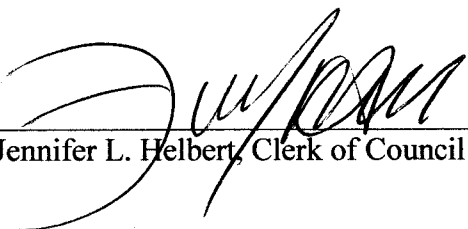
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Mayor Lazaro stated that he would expect that the applicant and the BAR will work together so that we do not have to come back and do this again. He said that in the Town there are three historic structures one was the Locust Grove house which is on the National Historic Register, then there are two others both owned by the Town of Purcellville and one of the speakers tonight has actively opposed the Town's improvements to the Tabernacle which is one of the most historical buildings in our community and one of only three of its type in the entire Commonwealth of Virginia and he finds it ironic that folks who opposed the place that sees 100,000 people per year is then telling us about historic preservation. He stated that the fact is that the Historic District is not going to be delisted, the downtown improvement project and what the owner is trying to do with this project will enhance the downtown district and not take away from it and it's consistent with our Zoning Ordinance, there are some who would use regulation to prevent something that is allowed by the Zoning Ordinance which is residential and having people living in our downtown is a good thing and in fact there are many communities trying to replicate downtowns because they don't have people living there. Mayor Lazaro stated that Leesburg is desperately trying to get people to move into their downtown and just to prove it the 224 unit development on Catoclin Circle and Harrison Street in an effort to make it a more walkable community.

ADJOURNMENT:

There being no further business the meeting adjourned at 7:36 PM.

Robert W. Lazaro, Jr., Mayor



Jennifer L. Helbert, Clerk of Council